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September 23, 1947.

SUMMARY MINUTES

Fourth Meeting in Negotiations Between the United States and Italian Delegations for a Treaty of Friendship, Commerce and Navigation

Approved:

Participants:

For the United States: Messrs. Walmsley, Ainsworth, Setser.

For Italy: Messrs. Simonis, La Rosa, Sorrentino, Ippolito, De Rossi, Lambert, Sensi, Maresca, Col. Cremonese, Col. Bianchi, Lt. Col. Troisi.

Time: 10:00 A.M. Tuesday, September 23, 1947.

Place: Palazzo Chigi

The Italian delegation submitted its proposed changes in the draft of the minutes of the meeting of September 20.

Article I

The American negotiators referred to the previous discussion of paragraph 2 (a) of Article I, and inquired whether the Italian delegation in proposing an exception for "stock-brokers" as well as lawyers, had intended to refer to the profession of agente di cambio as described in certain Italian laws. The reply being in the affirmative, it was pointed out that the activities of these officers seemed to be much more specialized than those of stock-brokers in the United States.

Article VIII

The Italian negotiators stated that they did not object to this article. They said that they understood that the purpose of these provisions on industrial property was to provide for the maintenance of a minimum standard of treatment provided either party should cease to be bound by the more detailed multilateral conventions on the subject. The American negotiators stated that this was, in general, their understanding of the article.

The Italian

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The Italian negotiators then referred to the conversations that had been carried on in Washington between Mr. Pennetta and officers of the Department of State regarding reciprocal arrangements for the protection of literary and artistic property. They inquired whether the American Embassy had received any instructions as to a proposed declaration of the two Governments on the subject. The reply was in the negative.

Article IX

The Italian negotiators stated that they had no objection to the provisions of this Article.

Article X

The Italian negotiators stated that they had no objection to the provisions of this Article.

Article XI

The Italian negotiators stated that this article presented a number of problems and that it might be difficult to agree to some of the provisions.

With respect to paragraph 1, they stated that it would have to be examined in the light of Italy's commitments in other international agreements. They said that the Vatican had indicated that it would consider that Italy's acceptance of this paragraph would be in contravention of the Lateran Agreements, which are to be incorporated in the new Italian Constitution. They proposed that the concluding clause of the paragraph be amended to read as follows: "provided that their teachings or practices are not contrary to public morals or to the constitution of either country." If desired, they said, the reference to public morals could be dropped. The American negotiators stated that they thought it would be difficult for their Government to accept the reference to the constitutions, since religious freedom is a fundamental right and constitutions are frequently amended or new ones adopted. They stated that they were unable to understand the basis for the objections, since Italy, the United States and the Vatican are all apparently in agreement on the subject of religious freedom. It was agreed to consider the matter further at another meeting.

With respect to paragraph 2, the Italian negotiators stated that their Government is generally in agreement with the principles of freedom of the press and free interchange of information, but that their new constitution would authorize certain controls over the activities of the press. They stated that they were willing to accept the declaration of principle in the first sentence of the

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paragraph provided there were incorporated in the minutes of the present negotiation the explanatory statement made on the subject at Washington June 19, 1947. This statement follows:

'The Italian Government would like to be sure that the first sentence of paragraph 2 of this article does not require unlimited freedom of the press and of interchange of information, since the Italian constitution now being drafted will probably circumscribe these replies somewhat and since certain local Italian laws might do the same. It was pointed out that the sentence was merely declaratory and that the manner in which the principle should be applied was stated in the succeeding sentences. In other words, the only absolute freedom required was in the "freedom of transmission of material to be used abroad" and that with respect to publication within each country national treatment was to be the rule.

The Italian negotiators stated also that their Government would wish to have an interpretative statement included in the protocol to the effect that this paragraph should not be construed to permit the transmission out of the territories of either Party of information of a military nature, the transmission of which would be detrimental to national security.

The Italian negotiators inquired whether the paragraph should be understood to accord the right of unrestricted importation of motion picture films manufactured in one country into the territories of the other. The American negotiators stated that they did not understand this paragraph to accord such rights, this subject matter being dealt with in the commercial provisions of the draft. They stated further that this explanation should not be construed to prejudice the position which the Embassy had previously taken with regard to discriminatory treatment of American films.

The Italian negotiators then stated that if the suggestions regarding the statement made at Washington and the exception regarding military information were acceptable to the American Government, they could agree to the inclusion of this paragraph in the treaty.

With regard to paragraph 3, the Italian negotiators stated that Italian law makes cemeteries public property, and they inquired whether it was to be understood that the paragraph would accord rights to Americans to own cemetery sites. The American negotiators stated that they did not understand the paragraph to accord rights for such ownership, but only that convenient and suitable places should be made available for use in the manner specified in the paragraph. The Italian negotiators then stated that they had no objection to the paragraph.

Article XII

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Article XII

The Italian negotiators stated that the provisions of this Article were acceptable to their Government, but that they wished to expand them to cover rights deriving from the social security legislation of either Party. They proposed also the addition of the following provision:

An understanding will be reached between the competent organs of the High Contracting Parties for the exchange of services deriving from the application of the aforesaid rules in so far as the beneficiaries are resident within the territories of the High Contracting Parties, and to assure the possibility to the aforesaid citizens to benefit from the insurance (services) acquired or in the course of acquisition regardless of the place of residence.

The American negotiators agreed to study these proposals and to consult their Government with regard to them, but they stated that even if the proposals were found to be acceptable in principle, the time required to obtain the necessary information and perfect treaty provisions would be so great as to render it unlikely that they could be included in the present treaty. The Italian negotiators then said that they would like to have the American Government study the proposals and if they could not be included in the present treaty, then in an agreement to be concluded in the future. They stated that Italy is prepared to grant complete national treatment in this subject matter.

Article XIII

With respect to paragraph 1, the Italian negotiators proposed that training or service in the air forces should be referred to along with "military or naval training or service", or that the term "military training or service" should be relied upon to include training for service in the land, air, and naval forces, or that the phrase "from compulsory training for or service in the armed forces" should be employed.

With respect to paragraph 2, the Italian negotiators stated that the period of time proposed to be allowed the alien in which to make a choice between service in the forces of the state of his residence and service in the forces of the state of his nationality is entirely insufficient. Under Italian law, they said, there would be no appreciable time between the call for service and the enrollment in the military forces. They felt that it would be necessary to revise this provision.

The Italian negotiators stated that they considered paragraph 3 entirely superfluous, and objectionable because it seems to give an unfriendly tone to the article. They said there could be no question of the right of either party to refuse, for any reason whatever, to confer citizenship upon an alien.

The American negotiators agreed to refer these points to their Government

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